Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.198 OF 2023
WITH
INTERIM APPLICATION NO.1940 OF 2023
IN
FIRST APPEAL NO.198 OF 2023

Iffco Tokio General Insurance Company Limited …Appellant/ Applicant

Versus

Shri Hiraman Namdev Ahire and anr. …Respondents

Mr. Nikhil Mehta i/by KMC Legal Venture, for the Appellant/Applicant.
Ms. Rupa singh i/by Mr. Rajan Pawar, for the Respondent No.1.

CORAM: R. M. JOSHI, J.

DATED: 13th FEBRUARY, 2026.

PC:-

1. By consent of both sides, heard finally at the stage of admission.

2. This appeal is filed by the Insurer takes exception to the judgment and award dated 19th September, 2022 passed by the MACT, Nashik in MACP No.742 of 2015 on the ground that it is the case of fake policy and the Tribunal has failed to take into consideration evidence led by the Insurer in that regard.

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3. Learned counsel for the Appellant submits that in the written statement specific plea was raised by the Insurer with regard to the fake policy and evidence was also raised by examining Manager of the Insurer as its witness. It is his submission that the Tribunal has refused to accept the said evidence of technical/typographical error in the investigation report. It is his submission that the Tribunal ought to have considered other evidence indicating his sentence of conviction also.

4. Learned counsel for the Respondents supported the judgment and award. It is further contended that Insurer has failed to prove its claim for fake policy.

5. No doubt the Insurer took specific plea in written statement and also led evidence. However, Perusal of the evidence indicates that the investigation done by the Insurer was in respect of the vehicle bearing registration No. MST 1019, whereas offending vehicle bearing registration No.MTS 1019. It is pertinent to note that there is no explanation provided by the Insurer of leading evidence with regard to the said error in mentioning the number of the vehicle. When it is so explained by witness in evidence, it cannot be accepted as technical/typographical error by oral arguments in this appeal. Having regard to the nature of evidence on record, it cannot be said that Insurer has succeeded in proving its plea of fake policy. As a result of the above discussion, there is no merit in the appeal.

6. Hence, order:-

ORDER

(i) First Appeal stands dismissed.

(ii) The Claimants are permitted to withdraw the deposited amount alongwith accrued interest thereon.

(iii) The statutory amount be transmitted to the Tribunal alongwith accrued interest thereon. The parties are at liberty to withdraw it as per Rule.

(iv) Record and proceedings be sent back to the Tribunal.

7. In view of the dismissal of the Appeal, pending Applications, if any, stand disposed of.

(R. M. JOSHI, J.)